

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE:
CATHERINE MCKEE

Debtor) CASE NO: 23-40802
) Chapter 13
)
) Trustee's Objection to Confirmation
) Original Confirmation Hearing set for:
) May 11, 2023 11:00 am

TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN

COMES NOW Diana S. Daugherty, Standing Chapter 13 Trustee, and for her objection to confirmation states as follows:

1. The Rule 2016(b) statement conflicts with Statement of Financial Affairs question #16.
2. The plan provides for interest to secured creditors at a rate other than that determined by the Clerk under Local Rule 3015-2(E).
3. The plan pays attorney fees in excess of that owed per the 2016(b) form.
4. Debtor's attorney elects the flat fee, but the Rule 2016(b) form excludes services other than those provided in connection with appeals or adversary proceedings.
5. The plan does not contain enough funds to pay secured and priority creditors in full and pay the amount guaranteed to general unsecured creditors (if any). 11 U.S.C. §§ 1322(a)(2) and 1325(a)(5)(B)(ii). The approximate amount of the shortfall is \$1,496.
6. Schedule D appears to be inaccurate in that the dates incurred for the debt to Manors at Glen Brook HOA are in 2023 and 2024. The plan addresses this debt in paragraph 3.5(C).
7. The attorney fee election form shows that the attorney elected a flat fee in the amount of \$4,000. The Rule 2016(b) form shows that the attorney agreed to \$0 in fees, and that \$0 fees remain to be paid. The plan pays \$3,403 in attorney fees. In addition, the Statement of Financial Affairs discloses that Debtor paid her attorney \$597 prior to filing. The Rule 2016(b) form shows \$0 in fees paid prior to filing.

WHEREFORE the Trustee prays the Court enter its order denying confirmation of the proposed plan.

Dated: April 07, 2023

OBJCONFAF--JMP

/s/ Jennifer M. Pontus
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was filed electronically on April 07, 2023, with the United States Bankruptcy Court, and has been served on the parties in interest via e-mail by the Court's CM/ECF System as listed on the Court's Electronic Mail Notice List.

I certify that a true and correct copy of the foregoing document was filed electronically with the United States Bankruptcy Court, and has been served by Regular United States Mail Service, first class, postage fully pre-paid, addressed to those parties listed on the Court's Manual Notice List and listed below on April 07, 2023.

CATHERINE MCKEE
8085 GLEN ARBOR DRIVE
LAKE SAINT LOUIS, MO 63367-4298

/s/ Jennifer M. Pontus
Jennifer M. Pontus MO65660
